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09/590,075	06/09/2000	Eiji Ueda	2000 0727A	9068

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EXAMINER

PATEL, HARESH N

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/590,075

Applicant(s)

UEDA ET AL.

Examiner

Haresh Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32 and 34-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32 and 34-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 32, 34 - 41 are presented for examination. Claim 33 is cancelled.

Response to Arguments

2. Applicant's arguments filed 5/2/2005 have been fully considered but they are not persuasive. Therefore, rejection of claims 32, 34 - 41 is maintained.

Applicant argues (1), "Vallone et al., 6,642,939 does not disclose or suggest receiving broadcast data, where the broadcast data includes both a plurality of multimedia data and attribute information which respectively corresponds to the plurality of received multimedia data". The examiner respectfully disagrees in response to applicant's arguments. The cited reference, Vallone discloses receiving broadcast data (e.g., col., 6, lines 29 – 44), where the broadcast data includes both a plurality of multimedia data (e.g., video data, col., 5, lines 4 – 50) and attribute information (e.g., broadcast control information and/or compression information related to the multimedia data, col., 7, lines 24 - 38) which respectively corresponds to the plurality of received multimedia data (e.g., col., 6, lines 29 – 44). The claim is open-ended (comprising), and page 53, lines 19-23 of the specification, clearly states, "While the invention has been described in detail, the foregoing description is in all aspects illustrative and not restrictive. It is understood that numerous other modifications and variations can be devised without departing from the scope of the invention". Since, applicant's claims contain broadly claimed subject matter, it clearly reads upon the examiner's interpretation of the claimed subject matter. Therefore, the rejection is maintained.

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Applicant argues (2), "Vallone does not disclose, teach, or suggest all of the features of the claimed subject matter, In particular, the reference fail to disclose, teach or suggest the applicant's claimed limitations, i.e., the attribute information being a table of information respectively corresponding to the plurality of received multimedia data". The examiner respectfully disagrees in response to applicant's arguments. The limitations, "the attribute information being a table of information respectively corresponding to the plurality of received multimedia data", has been newly added, which is addressed by the new ground(s) of rejection (please refer to the below rejections of this office action). Therefore, the rejection is maintained.

Priority

3. Applicant was requested (previous office actions dated, 11/3/2004) to submit the translated priority document in English for the foreign priority document (i.e., claimed priority, Japan – 11-165939) for verification, in order to benefit the effective date as 6/11/1999. However, examiner has still not received the English translated foreign priority document. Examiner has not applied prior arts for the rejection (dated between the claimed Japan priority date 6/11/1999 and the effective date, 6/9/2000 of this application). Applicant is requested to respond/submit the English translated foreign priority document, which would help the examiner to know whether to apply, the above-mentioned prior arts dated between 6/11/1999 and 6/9/2000, when necessary (see 37 CFR 1.55(a)(3)) and MPEP 706.02(b)). Also the section "CROSS-REFERENCE TO RELATED APPLICATIONS" of the specification should contain claimed foreign priority.

Response to Amendment

4. The amendment to the specification, dated 5/2/2005, has been acknowledged.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

5. Claims 39 - 41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 38 and 40 recite the limitations, “the multimedia data”. There is insufficient antecedent basis for this limitation in the claim. Since, multiple “multimedia data” (a plurality of multimedia data) exist in the claim, it is not clear which “multimedia data” is referred by the limitations in the claim.

Claim 39 recite the limitations, “the identification code”, “the storage location”, “the number of links”, “the image number”, “the received multimedia data”, “the multimedia data”. There is insufficient antecedent basis for this limitation in the claim. Since, multiple “received multimedia data” (a plurality of received multimedia data), multiple “multimedia data” (a plurality of multimedia data, each multimedia data) exist in the claim, it is not clear which “multimedia data” is referred by the limitations in the claim.

Claim 41 recites the limitations, “the received multimedia data”, “the multimedia data”. There is insufficient antecedent basis for this limitation in the claim. Since, multiple “received multimedia data” (a plurality of received multimedia data), multiple “multimedia data” (a

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plurality of multimedia data, each multimedia data) exist in the claim, it is not clear which “multimedia data” is referred by the limitations in the claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 32, 34, 36, 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vallone et al. 6,642,939 (Hereinafter Vallone-TiVoInc) in view of Vynne et al., 5,960,081, Cray Research, (Hereinafter Vynne-Cray).

8. As per claims 32 and 37, Vallone-TiVoInc clearly teaches a broadcast data receiving method for receiving and outputting broadcast data including a plurality of multimedia data and attribute information (e.g., col., 7, lines 24 – 38), a broadcast data receiving device for receiving and outputting broadcast data including a plurality of multimedia data and attribute information (e.g., col., 7, lines 24 – 38), said data device comprising:

sequentially receiving the plurality of multimedia data (e.g., col., 6, lines 29 - 44) and the attribute information included in the broadcast data on a designated broadcast channel (e.g., col., 5, lines 4 - 20);

outputting the received multimedia data (e.g., figure 1);

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creating and storing management information (e.g., figures 2 and 4, col., 5, line 56 – col., 6, line 18) for collectively managing the plurality of received multimedia data and the attribute information (e.g., col., 7, lines 24 – 38) included in the broadcast data (e.g., col., 5, lines 4 - 20), plurality of received multimedia data (e.g., col., 5, lines 4 - 20), and the multimedia data and the attribute information being kept under management in association with each other (e.g. col., 6, line 45 – col., 7, line 8); and

managing the received multimedia data with reference to the management information (e.g., col., 9, lines 19 – 36).

However, Vallone-TiVoInc does not specifically mention about the attribute information being a table of information respectively corresponding to the data.

Vynne-Cray discloses the well-known concept of using the attribute information (e.g., watermark and/or dithering information, paragraph 22 - 26) being a table of information (e.g., paragraphs 78 – 80) respectively corresponding to the data (e.g., paragraph 28).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Vallone-TiVoInc with the teachings of Vynne-Cray in order to facilitate the attribute information being a table of information respectively corresponding to the data because the attribute information would provide information regarding the corresponding broadcast media data. The broadcast media data would be handled based on the corresponding attribute information.

9. As per claims 34 and 36, Vallone-TiVoInc and Vynne-Cray disclose the claimed limitations as rejected above. Vallone-TiVoInc also teaches the following:

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the attribute information includes information indicating data type of the multimedia data (e.g., col., 7, lines 24 – 38), and wherein said managing unit is further operable to refer to the management information (e.g., col., 7, lines 24 – 38), and change a process for outputting the received multimedia data according to the data type (e.g., figures 12 and 15).

the attribute information includes start-up information of the multimedia data (e.g., figure 19).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vallone-TiVoInc and Vynne-Cray in view of “Official Notice”.

12. As per claim 35, Vallone-TiVoInc and Vynne-Cray disclose the claimed limitations as rejected above. However, Vallone-TiVoInc and Vynne-Cray do not specifically mention about the data type including an HTML format.

“Official Notice” is taken that both the concept and advantages of providing the data type including an HTML format is well known and expected in the art. For example, Fujii, Sony Corporation, 6,204,842, paragraph 12; Augenbraum et al., 20050149981, Sedna, paragraph 23; Atkinson, 20010039571, paragraph 53; Gruse et al., 6,398,245, IBM, paragraph 320, Inala et al.,

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6,442,590, Yodlee.com, paragraph 59; Jain et al., 6,360,234, Virage, paragraph 88; and/or Nielsen, Sun Microsystems, 6,510,461, paragraphs 8, 10 and 40, discloses these limitations.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the data type including an HTML format with the teachings of Vallone-TiVoInc and Vynne-Cray in order to facilitate attribute information to handle/know the information is based on HTML format because the well-known use of HTML markup language would help implement the attribute related information. The broadcast data-receiving device would benefit the usage of the HTML markup language for controlling the multimedia data received.

13. Claims 38-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vallone-TiVoInc and Vynne-Cray in view of Shoff et al., 6,240,555, Microsoft (Hereinafter Shoff-Microsoft) and "Official Notice".

14. As per claims 38-41, Vallone-TiVoInc and Vynne-Cray disclose the claimed limitations as rejected above. Vynne-Cray also discloses the attribute information including data type (e.g., col., 7, lines 24 – 38), data size of each received multimedia data (e.g., paragraph 94) in association with other attributes information (e.g., paragraphs 78 – 80) in the table of information respectively corresponding to the plurality of received multimedia data (e.g., paragraphs 22 – 25).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Vallone-TiVoInc with the teachings of Vynne-Cray in order to facilitate usage of data size and data type related to the multimedia information because

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the attribute information, i.e., data size and data type, would provide information regarding the corresponding broadcast media data. The broadcast media data would be handled based on the corresponding attribute information, i.e., data size and data type.

Vallone-TiVoInc and Vynne-Cray do not specifically mention about an identification code of each multimedia data that specifies a number of links to multimedia data and storage location of each multimedia data recorded as a uniform resource locator.

Shoff-Microsoft discloses the well-known concept of usage of an identification code of each multimedia data that specifies a number of links to multimedia data (e.g., usage of tag, paragraph 61) and storage location of each multimedia data recorded as a uniform resource locator (e.g., paragraph 59).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Vallone-TiVoInc and Vynne-Cray with the teachings of Shoff-Microsoft in order to facilitate usage of an identification code of each multimedia data that specifies a number of links to multimedia data and storage location of each multimedia data recorded as a uniform resource locator because the uniform resource locator would provide information regarding the storage location. The identification code would provide information regarding the link information.

Vallone-TiVoInc, Vynne-Cray and Shoff-Microsoft do not specifically mention about an image number of each multimedia data specifying a number of sheets of images included in the multimedia data and number of links to the multimedia data specifying data which is linked to the multimedia data.

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“Official Notice” is taken that both the concept and advantages of providing the data type including an image number of each multimedia data specifying a number of sheets of images included in the multimedia data and number of links to the multimedia data specifying data which is linked to the multimedia data is well known and expected in the art. For example, Fujii, Sony Corportation, 6,204,842, paragraph 12; Augenbraum et al., 20050149981, Sedna, paragraph 23; Atkinson, 20010039571, paragraph 53; Gruse et al., 6,398,245, IBM, paragraph 320, Inala et al., 6,442,590, Yodlee.com, paragraph 59; Jain et al., 6,360,234, Virage, paragraph 88; and/or Nielsen, Sun Microsystems, 6,510,461, paragraphs 8, 10 and 40, discloses these limitations.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an image number of each multimedia data specifying a number of sheets of images included in the multimedia data and number of links to the multimedia data specifying data which is linked to the multimedia data with the teachings of Vallone-TiVoInc, Vynne-Cray and Shoff-Microsoft in order to facilitate usage of image number and number of links information because the well-known use of image number would provide information regarding which image is used. The number of links would provide information for the linked components. The broadcast media data would be handled based on the attribute information.

Conclusion

15. The prior art made of record (forms PTO-892 and applicant provided IDS cited arts) and not relied upon is considered pertinent to applicant's disclosure. For example, Debey, 6,519,693,

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Delta Beta, also discloses the concept of attribute information being a table (structure) of information (e.g., figures 1 and 2).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Haresh Patel

July 23, 2005


JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
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